

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**SHIELA LILLY-DAVIS, et al.,** )  
  )  
Plaintiffs,                         )  
  )  
v.                                     )      **N0. 3:12-0224**  
  )      **Judge Sharp**  
**HARUN RASHID,**                    )  
  )  
**Defendant/Third Party Plaintiff,** )  
  )  
and                                    )  
  )  
**JOHN T. LYNN, DEANNA H. LYNN,** )  
**and VISION REALTY, LLC**         )  
  )  
**Third Party Defendants.**         )

**ORDER**

Magistrate Judge Brown has issued a Report and Recommendation, in which he

RECOMMENDS that the plaintiffs' complaint be DISMISSED with prejudice for failure to comply with outstanding discovery requests and Court orders under Rule 16(f),37(b) and Rule 41(b) and that all other motions be TERMINATED as MOOT with the exception that the defendant Rashid be allowed 30 days to file a motion for attorneys' fees and expenses in connection with the plaintiffs' failure to comply with discovery and his necessity of filing a motion to compel and for sanctions.

(Docket No. 88 at 12). Despite being specifically advised in the Report and Recommendation that any objections were to be filed within fourteen days of service, the parties have filed no objections.

Having fully considered the record, the Court agrees with the recommended disposition.

Accordingly,

(1) The Report and Recommendation (Docket No. 88) is hereby ACCEPTED and

APPROVED;

(2) Plaintiffs' Complaint is hereby DISMISSED WITH PREJUDICE for failure to properly respond to discovery requests, and to comply with this Court's Orders;

(3) Defendant Rashid's Third Party-Complaint is DISMISSED as MOOT;

(4) The pending Motions to Dismiss (Docket Nos. 66 & 82), the Motions in Limine (Docket Nos. 94, 95 & 97), and Third Party Defendant Vision Realty LLC's Motion Regarding Scheduling Order Deadlines (Docket No. 96) are hereby DENIED as MOOT;

(5) Defendant's Motion for Sanctions (Docket No. 86) is DENIED WITHOUT PREJUDICE to refiling a Motion for Attorney's Fees and Expenses incurred in connection with Plaintiffs' failure to comply with discovery. Any such Motion shall be filed within thirty (30) days of the entry of this Order and will be referred to Magistrate Judge Brown for consideration; and

(6) The Clerk shall enter final judgment in accordance with Rule 58 of the Federal Rules of Civil Procedure.

It is SO ORDERED.

  
\_\_\_\_\_  
KEVIN H. SHARP  
UNITED STATES DISTRICT JUDGE